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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,579	08/13/2001	Rainer Eckert		4178

29177 7590 10/22/2004

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CHICAGO, IL 60690-1135

EXAMINER
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TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/913,579

Applicant(s)

ECKERT ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/13/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizusawa et al. (U.S. Patent No. 6,038,428).

Regarding claim 5, Mizusawa et al. teach a method for controlling the power of a transmit amplifier of a mobile radio terminal, the method comprising the steps of:

receiving a portion of the power transmitted at a transmission end from an antenna of the mobile radio terminal at the transmission end by a coupling element of the mobile radio terminal (column 3, lines 14-26); and

using the portion of the power transmitted to control the power of the transmit amplifier (column 3, lines 26-30).

Regarding claim 6, Mizusawa et al. teach an apparatus for controlling the power of a transmit amplifier of a mobile radio terminal, comprising:

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a part for receiving a portion of the power transmitted from an antenna of the mobile radio terminal (column 4, lines 63-65); and

a part for controlling the power of the transmit amplifier as a function of the received portion of the power transmitted (column 4, line 65 through column 5, line 4).

Regarding claim 8, Mizusawa et al. further teach the apparatus for controlling the power of a transmit amplifier of a mobile radio terminal wherein the part for receiving a portion of the power transmitted is provided, during transmission operation of the mobile radio terminal, at least partially by a receiving antenna of the mobile radio terminal (column 5, lines 24-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizusawa et al in view of Mizuno et al. (U.S. Patent No. 6,351,239).

Regarding claim 7, Mizusawa et al. fail to teach the antenna of the mobile radio terminal is a planar antenna having a first resonator mounted on a substrate, the part for receiving a portion of the power transmitted has a second resonator, and the first and second resonators are mounted on the same substrate. However, Mizuno et al. teach this feature (column 17, lines 4-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the antenna with the first and second resonators are mounted on the same substrate taught by Mizuno to modify the antenna disclosed by Mizusawa et al. in order to make it possible to provide a high performance antenna device.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trinh (U.S. Patent No. 5,128,629) teaches a method for controlling the output power of digital cellular telephones. Miyake (U.S. Patent No. 5,179,353) teaches a power control circuit used for both analog/digital dual mode. Nakanishi et al. (U.S. Patent No. 5,832,373) teach an output power control device. Nagoya et al. (U.S. Patent No. 5,854,971) teach an output-controlled power amplifier, radio communication terminal and radio communication base station. Zamat (U.S. Patent No. 6,356,744) teaches a power measurement circuit.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

220 South 20<sup>th</sup> Street

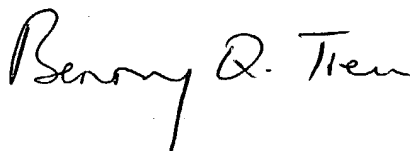
Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BENNY TIEU**  
**PRIMARY EXAMINER**

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October 16, 2004